

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA, :
 :
 PLAINTIFF, : Docket No.
 :
 VS. :
 :
 THE COUNTERWORKS, LLC and :
 DUANE SLAVIN, :
 :
 DEFENDANTS. : April 5, 2019

COMPLAINT

NOW COMES the United States of America, by and through its undersigned attorneys,
and alleges the following:

1. This is a civil action brought by the plaintiff, United States of America, on behalf of the United States Department of Labor, Wage and Hour Division (“DOL”) to reduce to judgment civil penalties owed by the defendants to the DOL.

2. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1345.

3. The Defendant, The Counterworks, LLC, is a corporation organized under the laws of the State of Connecticut, which conducts business in Connecticut, and is within the jurisdiction of this Court.

4. The Defendant, Duane Slavin, is an executive member of The Counterworks, LLC, who resides in the State of Connecticut, and is within the jurisdiction of this Court.

5. On July 9, 2012 and August 1, 2013, the DOL conducted inspections of the operations of The Counterworks, LLC, for various workplace hazards. As a result of its investigation, DOL issued a Citation and Notice of Penalty against the Defendants in the amount

of \$32,500.00, plus interest and penalties. *See* Exhibit A, attached hereto and incorporated herein, page 1.

6. On January 6, 2014, the Defendants became delinquent on the obligation. *See* Exhibit A, page 1.

7. The total principal of this debt is \$32,000.00, plus fees, penalties and interest, for a total of \$59,021.70 as of January 18, 2019, with interest and penalties continuing to accrue until the date of judgment. *See* Exhibit A, page 2.

8. Demand has been made upon the Defendants by the United States for the sum due, but the amount due remains unpaid.

WHEREFORE, the United States demands judgment against the Defendants for the total of \$59,021.70, with interest and penalties from January 18, 2019 until the date of judgment.

The United States further demands, pursuant to 28 U.S.C. Section 1961, that interest on any judgment be at the legal rate until the judgment is paid in full.

Respectfully submitted,

UNITED STATES OF AMERICA

JOHN H. DURHAM
UNITED STATES ATTORNEY
/s/

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U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
CERTIFICATE OF INDEBTEDNESS

The Counterworks, LLC
c/o Duane Slavin
3 ½ Shalvoys Lane
Danbury, CT 06810
TIN [REDACTED]

Treasury Reference #: TRFM1600388209A/513818A472034

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Department of Labor, Wage and Hour Division (DOL) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of records relating to the debt owed by The Counterworks, LLC (DEBTOR) to DOL.

The information contained in this Certificate of Indebtedness is based on documents created by an employee or contractor of DOL based on his/her knowledge at or near the time the events were recorded, including the review of Occupational Safety and Health Administration (OSHA) violations, or by an employee or contractor of Treasury based on his/her knowledge at or near the time the events were recorded, including the review of Occupational Safety and Health Administration (OSHA) violations. Treasury's regular business practice is to receive, store and rely on the documents provided by DOL, when debts are referred to Treasury for collection activities, including litigation.

DOL referred the claim to Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) to collect the delinquent debt on November 1, 2016. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from DOL.

Upon completion of an investigation covering the DEBTOR's operations on 07/09/2012 and 08/01/2013, DOL issued a Citation and Notice of Penalty against the DEBTOR in the amount of \$32,500.00 with an annual interest rate of 1.00% and an annual penalty rate of 6.00% for failure to assess workplace hazards; failure to establish and implement site specific hazardous energy controls; failure to provide training and information on controlling potentially hazardous releases of energy; and inappropriate use of flexible extension cords. On February 7, 2013, the DEBTOR made a payment of \$500.00 towards the penalty amount assessed. According to DOL historical records the debt became delinquent on January 6, 2014.



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On January 17, 2019, DMS referred the claim to DOJ for litigation and collection in the amount due of \$32,000.00 with daily interest of \$0.88. As of January 18, 2019, the DEBTOR is indebted to the United States in the amounts stated as follows:

Principal:	\$ 32,000.00
Interest (@1.00%):	\$ 1,641.71
Penalty (@6.00%):	\$ 9,690.30
Admin Fees:	\$ 15,689.69
Total:	\$ 59,021.70

The balance stated in the case listed above is current as of January 18, 2019, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by DOL and information contained in Treasury's records.

1/18/2019

X *Natalie R. Stubbs*

Signed by: Natalie R. Stubbs
Natalie Stubbs
Financial Program Specialist
U.S. Department of the Treasury
Debt Management Services